

REMARKS

Applicant requests reconsideration and reexamination of the above-identified application. The following remarks state Applicant's bases for making this request and are organized according to the Examiner's Action.

Applicant notes and appreciates that the Examiner states that there is allowable subject matter and that claims 8 - 15 and 20 - 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1. DRAWINGS

The Examiner states that the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 43, 49, 54, 61.

However, Applicant wishes to point out that reference number 54 is cited on page 15, line 13 after the words "bands", and reference number 61 is cited on page 15, line 20 after the word "threads". Further, on page 16, line 9, Applicant has added after "frame 12" the words -- with bolts 41, 43 --. Therefore, reference numbers 41 and 43 are now mentioned in the description. In addition, on page 13, line 1, Applicant has added after "crossbar 35" the words -- which is supported by a

leg 49--. Therefore, reference number 49 is now mentioned in the description.

As a result of the above amendment to the specification, there are no corrections or changes needed to the drawings, and the Examiner's objections have been resolved and overcome.

2. SPECIFICATION

The Examiner states that the disclosure is objected to because of certain informalities. Applicant has amended the specification as follows:

On page 11, line 17, "housing 45" is changed to -- housing 48 --.

On page 13, line 18, "joint 46" is changed to -- joint 56 --.

On page 14, line 19, after "bar 34" add -- or drive extension 34a --.

On page 14, line 21, after "bar 34" add -- or drive extension 34b --.

On page 14, line 22, after "The" delete "rectangular sections" and add -- drive extensions --.

On page 15, line 13, "52" has been designated as both "bands" and "top portion" (P. 13, line 17), and consistency

naming reference character is required. Applicant has deleted reference number 52 after "top portion" ..

On page 15, line 13, delete "bolts 37, 38" and add -- rods 36, 37 --.

On page 15, line 21, "34a, 34b" has been designated as both "drive extensions" and rectangular sections (P. 14, lines 22 - 23). Applicant has deleted the words "rectangular sections", and Applicant has clarified the terms "drive extension 34a" and "drive extension 34b" on page 14.

Applicant believes that the above amendments to the specification cover the noted informalities and that the Examiner's objections are now resolved and overcome.

3. TRADEMARK

The Examiner states that the use of the trademark "Acme" has been noted in the application, and it should be capitalized wherever it appears and be accompanied by the generic terminology.

On page 13, starting at line 8 and continuing to Page 14, Applicant has deleted the word "Acme" because it is not necessary to designate the elongated threaded rod 60, which is known in the prior art, except in line 5, on page 14 where it identifies the manufacturer where the threaded rod 60 may be obtained. In this instance "Acme" is changed to ACME®. "Acme"

is also deleted on page 14, line 15 and line 16, Page 15, line 17 and line 18, and Page 16, line 4.

4. CLAIMS REJECTIONS - 35 U.S.C. § 103

The Examiner states that Claims 1, 3, 5, and 7 are rejected under 35 USC § 103(a) as being unpatentable over Ehrenfried in view of Goodman. The Examiner states that Ehrenfried discloses a frame (14) having a seat (12), a pair of leg supporting wings (16,18) hingedly mounted to the seat (FIG. 1) and means for raising and lowering the legs (15) including a crank (20) and handle but does not teach a universal joint and rod. The Examiner then states that Goodman teaches a means for raising and lowering comprising a bearing (7) and a threaded rod (9), and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ehrenfried in view of the teaching of Goodman such that a rod and joint are capable of raising and lowering the leg support wing members.

Applicant wishes to point out that in the present invention, the leg supporting wings (16, 18) are not hingedly mounted to the seat 16 but instead they are mounted to opposite ends of a hinge support bar 17. Further, the seat 16 attaches on a top portion of the frame 12 so that the user's legs straddle the frame below the seat without the user bending over as shown in Ehrenfried and Goodman. Ehrenfried teaches the use

of wheel means 24, 26 to support the legs supporting means 16, 18 as they are moved along the floor. The seat on the Ehrenfried and Goodman apparatus rests essentially on the ground supported by the frame. In the present invention, the cranking mechanism includes a crank 32, crank rod 51, universal joint 56, threaded rod 60 and drive bar 34 which cause the wings 26, 28 to bring the user's legs out and upward from under a user's torso.

The Examiner states that Claims 1-6 and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Richardson.

Richardson discloses a frame (12) having a seat (23), a pair of leg supporting wings (25', 26) hingedly mounted to the seat (FIG. 1) and means for raising and lowering the legs. Richardson does not teach a means comprising universal joint and threaded rod but does teach a means capable of raising and lowering the leg supports having a hydraulic lift and a push rod (col. 2, lines 64-67 thru col. 3, lines 1-12). The Examiner then states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a lift for a rod and joint since the lift is capable of performing the function equally as well as the rod and joint.

Applicant wishes to point out that Richardson at first glance looks similar to the present invention in that a user sits on top of the leg stretcher 10, and the user's legs

straddle the apparatus of Richardson; however, as shown in FIG. 6, Richardson teaches attaching the left and right hinged platform 25, 26 and the seat 23 with hinges 24 mounted on opposite sides of the seat 23. The seat of the present invention is not attached to the wings 26, 28 at any point. The seat 16 is attached by screws to a top portion of the frame 12, Richardson teaches raising the platforms 25, 26 by the use of a hydraulic jack which requires the user to pump an arm 30 that infuses hydraulic fluid to raise the platforms 25, 26 and thereby raise the legs of a user; when completed, the user must move the arm 30 in an opposite direction to release the hydraulic fluid. There appears to be no control in the speed in which the legs come back together, which can cause a safety risk. In the present invention, the wings 26, 28 are raised and lowered with a steady turning motion in a clockwise or counterclockwise motion by the handle 33 of a crank 32 which raises and lowers the legs slowly and consistently without the use of any fluids. Motion of the wings 26, 28 stop when the turning motion of the crank 32 stops.

However, Applicant has amended the claims to more particularly point out and distinctly claim the subject matter of the present invention. Claim 1 now calls for:

1. (Currently Amended) A leg stretching apparatus comprising:
a frame, said frame supporting a seat attached to

a top portion of said frame enabling a user's legs to straddle said frame below said seat;

a pair of leg supporting wings, hingedly each mounted on opposite sides of said seat to an end of a hinge support bar positioned on said top portion of said frame; and

a threaded rod means enclosed within said frame for raising and lowering said leg supporting wings in response to a turning of a crank extending from said frame lever of said raising and lowering means.

Claim 1 recites that a seat is attached to a top portion of the frame enabling a user's legs to straddle the frame below the seat. Neither Ehrenfried nor Goodman comprise the recited frame structure of the present invention to enable a user's leg to straddle the frame and extend under the user's torso. Claim 1 also calls for the leg supporting wings 26, 28 each mount on opposite sides of the seat 16 to one end of a hinge support bar 17 positioned on the top portion of the frame 12. This is not obvious from Richardson because Richardson teaches attaching hinges 24 to the seat 23 and using a hydraulic jack to raise the leg platform 25, 26. Richardson does not suggest or describe using a cranking mechanism including any one or more of a crank 33, crank rod 51, universal joint 56, threaded rod 60 and drive bar 34. Therefore, Applicant believes that independent claim 1 as amended and dependent claims 2, 3, 5 - 10 are non-obvious from the above cited prior art references

and now patentable. Applicant has cancelled claim 4 and included the hinge support bar limitation of claim 4 in Claim 1.

The Examiner states that claims 8 - 15 are objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 13 is dependent on independent Claim 11. Therefore, Applicant has included the limitation of Claim 13 in Claim 11. Hence, Claim 11 as amended is now patentable, and Claim 13 is cancelled. Dependent claims 12, 14, and 15 are now patentable because they are dependent on allowable Claim 11. Therefore, Claims 11 - 15 (as amended) are now patentable.

In regard to Method Claims 16 - 25, Applicant has amended independent Claim 16 to more particularly point out and distinctly claim the subject matter of the present invention. Claim 16 now calls for:

16. (Currently Amended) A method of providing a leg stretching apparatus comprising the steps of:
 providing a frame, said frame supporting a seat attached to a top portion of said frame to enable a user's legs to straddle said frame below said seat;
 mounting on opposite sides of said seat, to an end of a hinge support bar positioned on said top portion of said frame, a pivoting end of a pair of leg

supporting wings; and

enclosing a threaded rod within said frame means
for raising and lowering said leg supporting wings in
response to a turning of a lever-crank attached to said
raising and lowering means.

Applicant believes that Claim 16 as amended is not obvious
from the cited references of Ehrenfried, Goodman and Richardson
either individually or taken together as argued above for the
apparatus claims. Applicant has cancelled Claim 19 and
included the limitation in Claim 19 of providing a "hinge
support bar..." in Claim 16.

Dependent Claims 17, 18, 20 - 25 are dependent on Claim
16, either directly or indirectly, which Applicant believes is
non-obvious from Ehrenfried, Goodman and Richardson; therefore,
Applicant believes that Claims 17, 18, 20 - 25 (as amended) are
likewise patentable.

In view of the above, it is submitted that Claims 1 - 3, 5
- 12, 14 - 18 and 20 - 25, as amended, are now in condition for
allowance. Reconsideration of the objections and rejections is
respectfully requested. Accordingly, it is requested that
these claims be allowed and the case be sent to issue.

Docket No. 33280
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If there are any questions, we urge the Examiner to call us. Please charge any costs in connection with this document to our Deposit Account No. 16-0875.

Respectfully Submitted,
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By



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